

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: ZOOM VIDEO
COMMUNICATIONS INC. PRIVACY
LITIGATION

Case No. 20-CV-02155-LHK

**ORDER DENYING PLAINTIFFS’
MOTION FOR RELIEF FROM NON-
DISPOSITIVE ORDER OF
MAGISTRATE JUDGE**

Re: Dkt. No. 142

On December 7, 2020, the parties briefed United States Magistrate Judge Susan van Keulen on whether the protective order in this litigation should include a certain provision from this district’s Model Protective Order for Litigation Involving Patents, Highly Sensitive Confidential Information and/or Trade Secrets (“Model Order”). ECF No. 135. Specifically, Plaintiffs opposed including the Model Order’s provision on disclosing “Highly Confidential – Attorneys’ Eyes Only” documents to experts. *See id.* at 1–2 (challenging Model Order § 7.4). On December 16, 2020, Judge van Keulen issued an Order Regarding Protective Order and FRE 502 Discovery Disputes, which adopted the parties’ proposed protective order with some modifications not relevant here. ECF No. 138 (“Judge van Keulen’s Order”). On December 30, 2020, Plaintiffs

1 filed the instant motion for relief from nondispositive pretrial order of magistrate judge. ECF No.
2 142.

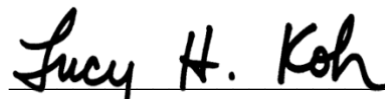
3 Judge van Keulen's Order resolves a nondispositive pretrial matter. *See Maisonville v. F2*
4 *Am., Inc.*, 902 F.2d 746, 748 (9th Cir. 1990) ("[A]ny motion not listed [under 28 U.S.C.
5 § 636(b)(1)(A)], nor analogous to a motion listed in this category, falls within the non-dispositive
6 group of matters which a magistrate may determine."). "A non-dispositive order entered by a
7 magistrate must be deferred to unless it is 'clearly erroneous or contrary to law.'" *Grimes v. San*
8 *Francisco*, 951 F.2d 236, 241 (9th Cir. 1991) (quoting Fed. R. Civ. P. 72(a)). Thus, the Court will
9 modify or set aside Judge van Keulen's Order only if it is "clearly erroneous or contrary to law."
10 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); *accord Osband v. Woodford*, 290 F.3d 1036, 1041
11 (9th Cir. 2002) (reviewing magistrate judge's protective order under same standard).

12 In reviewing for clear error, the district judge may not simply substitute his or her
13 judgment for that of the magistrate judge. "Clear error is found when a reviewing court has 'a
14 definite and firm conviction that a mistake has been committed.'" *Lewis v. Ayers*, 681 F.3d 992,
15 998 (9th Cir. 2012) (quoting *Easley v. Cromartie*, 532 U.S. 234, 242 (2001)). Under this standard,
16 if the magistrate judge's findings "are plausible in light of the entire record, [the Court] may not
17 reverse, even if [the Court] would have weighed the evidence differently." *Id.*

18 Having reviewed Judge van Keulen's Order, the parties' submissions, the relevant law, and
19 the record in this case, the Court DENIES Plaintiffs' motion for relief from nondispositive pretrial
20 order of magistrate judge. The Court concludes that Judge van Keulen's Order was neither "clearly
21 erroneous" nor "contrary to law." Fed. R. Civ. P. 72(a).

22 **IT IS SO ORDERED.**

23
24 Dated: January 26, 2021

25 
26 LUCY H. KOH
27 United States District Judge